

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MOTION FOR A PROTECTIVE ORDER

COMES NOW the United States of America, by and through its attorney, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Michael A. Reilly, Assistant United States Attorney for said District, and moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure (Fed.R.Crim.P.), for an Order protecting certain disclosures to be made by the Government in the above-captioned matter. In support thereof, the Government states and alleges as follows:

1. Defendant is charged with the offenses of (1) conspiracy to commit murder-for-hire resulting in death, in violation of Title 18, United States Code, § 1958; and (2) murder-for-hire resulting in death, in violation of Title 18, United States Code, § 1958.

2. The United States is in the possession of voluminous pretrial discovery that includes reports from the St. Louis County Police Department and the Federal Bureau of Investigation that identify potential witnesses, court authorized legal process and supporting affidavits, search warrant return information, voluminous financial and insurance records obtained through grand jury process, including records of currently uncharged subjects, and other materials

that are sensitive in nature.

3. Defense Counsel is requesting, or will request, that pursuant to Fed.R.Crim.P. 16, the Jencks Act, and other controlling authority, that the Government permit the inspection and copying of this evidence. Fed.R.Crim.P. 16(a)(1) requires the Government to make the evidence available to the defendant's attorney for inspection and copying.

4. Rule 16(d) Fed.R.Crim.P. provides that the Court may, for good cause shown, restrict the discovery or inspection of materials described under Rule 16.

5. Among the circumstances giving rise to this motion are the sensitive nature of information contained in case investigation reports, financial records, and potential witness safety issues.

7. Wherefore, the Government requests this Court enter an Order prohibiting the defendant or his attorneys from copying or releasing or disseminating the pretrial discovery in this case to any person, except that counsel may make such evidence available for viewing by (1) the defendant; (2) co-counsel; (3) any associate, paralegal, stenographic or clerical employee involved in the defense of this case, but only if he or she is an employee or partner of defendants' counsel of record; (4) such independent experts as may be selected by defense counsel to furnish technical or expert services or give testimony in this case; and (5) other persons upon further Order of this Court and upon a showing of particularized need.

WHEREFORE, for the reasons stated herein, the Government respectfully requests that the Court enter the proposed protective order in this matter.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

s/ Michael A. Reilly
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(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2021, the foregoing was filed electronically under seal with the Clerk of the Court and a copy to be served by e-mail upon the following:

Attorney of Record.

s/ Michael A. Reilly
MICHAEL A. REILLY, #43908MO
Assistant United States Attorneys

IN THE UNITED STATES DISTRICT COURT
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PROTECTIVE ORDER

The Government's Motion for a Protective Order is hereby considered and granted.

Accordingly, it is hereby ORDERED:

1. The Government shall release a copy of the pretrial discovery to defense counsel, and/or otherwise make available for inspection pretrial discovery, as identified in the Government's Motion for a Protective Order in the above-captioned case.

2. The defendants and their attorneys are prohibited from disclosing or disseminating the discovery material to any person other than the following individuals: (1) the defendant; (2) co-counsel; (3) any associate, paralegal, stenographic or clerical employee involved in the defense of this case, but only if he or she is an employee or partner of defendants' counsel of record; (4) such independent experts as may be selected by defense counsel to furnish technical or expert services or give testimony in this case; and (5) other persons upon further Order of this Court and upon a showing of particularized need.

3. Should disclosure be permitted by the Court, each person encompassed under subsection (5) above must file a signed, written notice with the Court that he or she has reviewed this Order, and agree to be bound by this Order.

4. The Government's subsequent pretrial productions will be governed by the terms of this Order.

5. Nothing in this Protective Order is intended to prevent or impede defense counsel of record's sharing of discovery with their above named client.

SO ORDERED this _____ day of _____, 2021.

Honorable Stephen R. Welby
United States Magistrate Judge
Eastern District of Missouri